

City of Mississauga

Corporate Report



Date: November 4, 2020

To: Chair and Members of Governance Committee

From: Gary Kent, CPA, CGA, ICD.D, Commissioner of
Corporate Services and Chief Financial Officer

Originator's files:

Meeting date:
November 16, 2020

Subject

Proxy Voting at Council Meetings

Recommendation

That the Governance Committee provide direction on proxy voting at Council meetings as outlined in the report dated November 4, 2020 from the Commissioner of Corporate Services and Chief Financial Officer and Treasurer .

Background

Bill 197, *the COVID-19 Economic Recovery Act*, 2020 introduced amendments to various Provincial Legislations, including the *Municipal Act, 2001* ("The Act"). Among the amendments, municipal councils were given the authority to amend Procedure By-laws to permit Members of Council to appoint a proxy. On September 28, 2020, Governance Committee considered the *Proxy Voting at Council Meetings* report (Appendix 1) and directed staff to report back on guidelines for proxy voting at Council meetings.

The Municipal Act, 2001, sets out limits to the proxy appointment process for members of Council:

1. A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
2. A member shall not act as a proxy for more than one member of council at any one time.
3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the Clerk
4. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both appointing member and the proxyholder.
5. A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the Clerk.

6. Where a recorded vote is requested, under section 246, the Clerk shall record the name of each proxyholder, the name of the member of Council for whom the proxyholder is voting and the vote cast on behalf of that member.
7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for purposes of determining whether the office of the member is vacant under clause 259(1)(c).

Comments

The Act provides flexibility to municipalities to establish a process on establishing and revoking proxies, how proxies can be used during a meeting (i.e. voting, speaking and asking questions) and when to use or not use a proxy. In situations, where a member has a pecuniary interest in a matter under the *Municipal Conflict of Interest Act*, a member cannot appoint a proxy or serve as a proxy holder.

The following is a suggested process for appointing and revoking proxy votes

Process to Appoint a Proxy Vote

Subject to the limitations in the *Municipal Act* and the *Municipal Conflict of Interest Act*:

1. A member of Council may appoint a proxy vote to one member of Council in the event of an absence at a Council meeting for any reason. The proxy holder may speak, vote or ask questions on behalf of the appointing member.
2. The appointing member shall notify the Clerk and/or designate in writing at least 24 hours before the scheduled commencement of a Council meeting. The notice shall include the name of the proxyholder and the Council meeting date the appointment is for.
3. The Clerk and/or designate shall notify members of Council of the appointment prior to the scheduled commencement of the Council meeting.
4. At the commencement of the meeting, the Mayor/Acting Mayor shall advise of the proxy appointment(s).
5. When voting, the proxy holder shall first indicate their vote (electronically or by raising their hand) and then provide a verbal vote as a proxyholder.

Process to Revoke a Proxy Vote

1. If the member of Council who was to be absent and after notification of the proxy vote appointment has been provided in writing:
 - a) Attends the Council meeting before the start of the meeting, the proxyholder shall immediately withdraw from voting on behalf of the appointing member.
 - b) Attends the Council meeting after the start of the meeting, shall state for the record that the proxy vote is revoked. The proxyholder shall immediately withdraw from voting on behalf of the appointing member.

Financial Impact

N/A

Conclusion

Proxy Voting allows members of Council to participate when absent at a meeting, subject to the limitations set out in the Act and the Municipal Conflict of Interest Act. To implement proxy voting an amendment to the Procedure By-law 139-13 is required that sets out the process outlined in this report to appoint and revoke proxies.

Attachments

Appendix 1 Proxy Voting at Council Meetings Report (Bill 197 and the Resumption of Council and Committee Meetings) dated July 24, 2020.



Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

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